

Amendment No. 4 to SB1954

**Stanley
Signature of Sponsor**

AMEND Senate Bill No. 1954*

House Bill No. 1698

by deleting subsection (m) of the amendatory language of SECTION 2 in its entirety and by substituting instead the following language:

(m) Upon election of market regulation by a certificated provider, the provider shall be exempt from all authority jurisdiction, including but not limited to state-based regulation of retail pricing or retail operations, except as defined in subsection (n). Notwithstanding the limitations on authority jurisdiction over market-regulated companies under state law as set forth herein, it is the express intent of the general assembly that the Tennessee regulatory authority is authorized as a matter of state law to receive any jurisdiction delegated to it by the federal 1996 Telecommunications Act, 47 U.S.C. § 214(e), or Federal Communications Commission ("FCC") orders or rules, including, without limitation, jurisdiction granted to hear complaints regarding anti-competitive practices, to set rates, terms, and conditions for access to unbundled network elements and to arbitrate and enforce interconnection agreements. In addition to the foregoing, the authority shall continue to exercise its jurisdiction in its role as a dispute resolution forum to hear complaints between certificated carriers, including complaints to prohibit anti-competitive practices, and to issue orders to resolve such complaints. The authority shall interpret and apply federal, not state, substantive law which is hereby adopted so that such law is applicable to intrastate services for the purpose of adjudicating such state complaints. The authority shall adjudicate and enforce such claims in accordance with state procedural law and rules, including the enforcement and penalty provisions of § 65-4-120. No claim shall be brought to the Tennessee regulatory authority as to which the FCC has exclusive jurisdiction. All complaints brought between carriers pursuant to

this section shall be resolved by final order of the authority within one hundred eighty (180) days of the filing of such complaint.

AND FURTHER AMEND by deleting subdivision (n)(iv) of the amendatory language of SECTION 2 and by substituting instead the following:

(iv) The authority is exercising jurisdiction over video service franchises pursuant to the Competitive Cable and Video Services Act, § 7-59-301 et seq.;

AND FURTHER AMEND by deleting subdivision (n)(ix) of the amendatory language of SECTION 2 in its entirety and by substituting instead the following:

(ix) The authority is responding to a specific customer complaint regarding a residential telecommunications service from the provider. In such cases, the authority may act using the powers available under the law as it existed January 1, 2009;

AND FURTHER AMEND by deleting the language "or" at the end of subdivision (n)(x) of the amendatory language of SECTION 2 and by inserting the following language as new subdivisions in subsection (n):

(xii) The authority is exercising jurisdiction respecting the requirement of certificates pursuant to § 65-4-201;

(xiii) The authority is exercising jurisdiction respecting extensions of facilities pursuant to § 65-4-114(2) or requiring extensions of facilities in accordance with the terms of the A5 and B5 tariffs of any carrier who serves more than one million (1,000,000) access lines in Tennessee regarding construction, as such tariffs existed on January 1, 2009; or

(xiv) The authority is exercising jurisdiction pursuant to § 65-4-125; provided, however, that the authority shall exercise its jurisdiction under subsections (a) or (b) only in connection with a complaint.

AND FURTHER AMEND by deleting the language "rate group 1 or 2 under AT&T's tariff in effect on January 1, 2009" in subsection (o) of the amendatory language of SECTION 2 and by substituting instead the language "rate group 1 or 2 under any such carrier's tariff in effect on January 1, 2009".

AND FURTHER AMEND by deleting the following language from subdivision (o)(i) of the amendatory language of SECTION 2:

or the provider has lost twenty percent (20%) of its residential access line count in each exchange in the preceding five (5) years

AND FURTHER AMEND by deleting the following language from subdivision (o)(vi) of the amendatory language of SECTION 2:

offered in rate groups 1 and 2

AND FURTHER AMEND by adding the following language as a new subdivision (vii) in subsection (o) of the amendatory language of SECTION 2:

(vii) The petition provided for in this subsection (o) shall be filed no earlier than one (1) year following the effective date of this act.